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Development Review Comments

Revised - April 20, 2023

PAM2023-00146

Submission Review Comments

12501 Ardennes Ave – Twinbrook Place

The following are Development Review comments from City of Rockville staff related to the project submission.

Reviewing Staff

Planning & Development Services (PDS)

Project Manager:

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**Dept. of Housing and
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Housing Reviewer:

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**Dept. of Recreation and Parks
(RPD)**

Parks Reviewer:

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PDS Comments

Development & Zoning (LA)

1. The purpose of a Pre-Application Meeting (PAM) with the Development Review Committee (DRC) is not to approve/disapprove aspects of a development plan. It is a meeting that provides an early opportunity for City Staff to give general advice to an applicant in the preparation of a site plan, project plan, or special exception, to discuss the application process and schedule going forward, and to address any concerns raised by the community. Staff strives to identify major issues but does not perform a full and complete review for compliance with all aspects of the code, which is done at the application phase.
2. The subject site is currently designated Office (O) by the Comprehensive Plan and is zoned MXE (Mixed-Use Employment).
 - a. Conversion of the existing office building to multi-dwelling residential use is proposed.
 - b. Per Zoning Ordinance Sec. 25.13.03 “multiple-unit dwelling” is a permitted use in the MXE zone. See Comprehensive Planning comments below for compliance with the land use designation and Comprehensive Plan.
3. Previous approvals:
 - c. ANX2000-00131: annexation of the property into Rockville City Limits, application of the O-1 Zone, and establishment of development restrictions
 - d. USE2002-00642: approval of a 150,000 square foot office building on the site subject to conditions of approval
 - e. PLT2007-00471: final record plat to create Lot 5, Block E (the subject site)
4. ANX2000-000131 included an annexation agreement identifying restrictions on the height, floor area ratio (FAR), and lot coverage for new development in the O-1 Zone. The City Attorney’s Office has reviewed the Annexation Agreement and determined that, given the revisions to the base zone from O-1 to MXE since the project approval, and related increases to maximum height and removal of FAR requirements, the Annexation Agreement is no longer valid or applicable. The proposed development is subject to the base zone standards as modified by the initial development approval.
5. Per Sec. 25.05.07.d of the Zoning Ordinance, modifications to an approved development, including an increase in height, are a major amendment to the existing approval. USE2002-00642 Condition of Approval #1.a limited the building height to 85’. The submitted plans indicate a proposed height of 115’. Please provide information in the project narrative submitted with the Site Plan submittal that addresses the proposed height increase and how surrounding conditions have changed since the original approval to support the additional requested height.
6. Per Sec. 25.07.02, the proposed development appears to have a point valuation of 8 and is subject to Level 2 Site Plan review:

- a. Tract size of 1.1 to 2.5 acres (2.09 acres) = 2
 - b. 151 or greater dwelling units (190 dus) = 4
 - c. No non-residential space = 0
 - d. Residential Impact Area (11%) = 2¹
 - e. Traffic Impact of fewer than 30 trips (reduction from previous use) = 0
 - f. Points Total = 8
7. Land Use Planning Process:
 - a. For a development with a point valuation of 8, a Level 2 Site Plan application will be required per Sec. 25.14.07.f (Site Plan Required) and Article 7 (Procedures for Site Plans and Project Plans, Special Exception and other permits). This submittal will need to address the approval criteria of Sec. 25.07.05 and Sec. 25.05.07.d.
 - b. Following approval of the Level 2 Site Plan application, a “signature set” will be required for final approval prior to issuance of development permits.
8. Land Use Review Timelines:
 - a. Level 2 Site Plan: initial submittal review is 6 weeks; subsequent reviews are 3-4 weeks; final submittal due 5 weeks before the initial Planning Commission hearing.
 - b. Level 2 Site Plan Signature Set: initial submittal review is 2 weeks; subsequent reviews are 1-2 weeks.
 - c. Total typical review timeline is highly variable depending on applicant submittal timelines and responsiveness to City comments and requests.
9. At the time of this submittal, the Montgomery Public Schools appear to have adequate capacity for the additional students generated by this proposal. A full Adequate Public Facilities Ordinance evaluation will be completed at the time of application.
10. See plan markups for additional comments.

Comprehensive Planning (KG)

The Rockville 2040 Comprehensive Plan outlines the major policy and land use goals of the City of Rockville. The subject property is within Planning Area 9 of the Comprehensive Plan. Based on the materials submitted for the Pre-Application Meeting, the application appears consistent with the Comprehensive Plan (“Plan”).

Specifically:

1. Within the Planning Area 9 section of the Plan, a key issue identified is the *“concern over the changing environment of retail and office markets that could impact*

¹ Estimated using GIS

existing businesses and jobs,” (page 350). The applicant is proposing a switch in land use to address this concern.

2. The Planning Area 9 section of the Plan identifies the future land use of the parcel to be “office.” That said, the base zoning of MXE does allow for residential uses, and staff believe the shift of land use to residential is consistent with the surrounding fabric, as this parcel is the only parcel within Planning Area 9 designated as an office use; all other land envisioned as mixed-use or residential.
3. The Housing element of the Plan calls to “*identify potential opportunities for conversion of obsolete offices and hotels into residences,*” (page 200) and to “*allow new housing in locations where amenities and infrastructure already exist, and that are compatible with the existing neighborhood,*” (page 200). The proposed project is consistent with both of these housing policy goals. Furthermore, the conversion of this property will result in new Moderately Priced Dwelling Units (MDPU) for the city – expansion of the MDPU program is a major goal of the Plan.
4. The Land Use element of the Plan is supportive of the conversion of buildings, as Policy 6 is to “*anticipate and plan for land use change from commercial to residential uses*” (page 26). Additionally, the Land Use element seeks to “*continue to develop new walkable and bikeable, mixed-use activity centers on available land, primarily commercial sites deemed ready for conversion*” (page 35). The proposed project is consistent with these land use goals.
5. There are no recommendations within the Plan specific to the 12501 Ardennes property on its own.

Forestry (SR)

1. See plan markups for comments.

Fire Marshall (CB)

1. See plan markups for comments.

Building Plans Examiner (CD)

1. Note that these items do not need to be resolved prior to site plan approval; rather they are provided for guidance to avoid substantial redesign after site plan approval. Resolution of these comments will be by acknowledgement in the point-by-point response.
2. The proposed structure must meet allowable building height and area requirements per Chapter 5 of the International Building Code (IBC) for the proposed occupancy classification. For the proposed occupancy classification (R-2) and proposed height (10 stories, 115 feet), the minimum allowable construction type is I-B, which generally has a 2-hour minimum fire-resistance-rating for structural members.

- a. Identify the type of construction used in the existing building, and proposed type of construction of the addition.
- b. If less than type I-B, identify means and methods by which required fire-resistance-rating will be provided (e.g. Sprayed Fire-Resistant Materials, Intumescent Coatings, etc.)
- c. Identify the type of structural frame the existing building has, and verify that the existing structure will be sufficient to support the proposed new loads of the additional three floors.

DPW Comments

Engineering (SM)

1. Per USE2002-00642, a Memorandum of Understanding (MOU) was required by Montgomery County for maintenance of the brick sidewalk along Twinbrook Parkway ("Maintenance and Liability Agreement" per letter dated May 21, 2002). The City does not have a copy of this MOU. Please provide a copy of the signed MOU with the application.
2. See plan markups for additional comments.

Traffic and Transportation (AWL/FM)

1. No waivers associated with Chapter 21 are needed for Ardennes Ave. Ardennes Ave is already classified as a Business District II (BDII) roadway and along this property and adjoining property to the north has been constructed with a 5' wide sidewalk and 7' wide landscaped buffer. The approved scoping intake form submitted with proposed change of use application shows negative net new trips. For these reasons, and for this application staff has determined that no additional road section waivers are needed.
2. Per the BDII requirements, city is requesting applicant to dedicate 1 additional foot of right of way along Ardennes, and in order to facilitate possible future widening of the existing sidewalk to the 10 foot standard, staff requests provision of an additional 4' PIE, for a total of 6', along the entire property's frontage along Ardennes Ave behind the new proposed right of way line.
3. See plan markups for additional comments.
4. Staff concurs with the scoping intake form as submitted. Since the proposed development projects less than 30 net new trips, the applicant will need to submit an on site transportation report, in accordance with the city's Comprehensive Transportation Review (CTR) requirements. The applicant

will also need to submit the required review fees: \$200 for the scoping intake form; and \$1,000 for the on site transportation report.

5. 4/20/2023 Notes:

- a. Traffic and Transportation will review the applicant's suggestion to widen the PIE in lieu of dedicating 1 foot of right-of-way along Ardennes Ave.
- b. Traffic and Transportation will follow up on whether the proposed change of use triggers a transportation impact fee per the CTR.

HCD Comments

Housing (PT)

1. Residential units constructed on the site must comply with the standards and requirements of the Rockville Moderately Priced Dwelling Unit (MPDU) Ordinance, Chapter 13.5 of the Rockville City Code and the implementing MPDU Regulations.
2. The applicant is required to provide 15% of the total units as MPDU.
3. Staff want the applicant to Identify the location of MPDU units, which must be distributed throughout the building in all sections and levels of the building, so as not to locate all the affordable units in one section of the building.
4. The MPDUs should be indistinguishable from the market rate units.
5. The applicant must provide the list of all the MPDU units.
6. The staff would like to propose that the applicant must designate a few ADA/UFAS (accessible) units within the MPDU.
7. Declaration of Covenants must be executed and recorded before the applying of any building permit.

RPD Comments

Parks (CH)

1. Publicly Accessible Art in Private Development ordinance may apply with the change in use of the building. Recreation and Parks staff will work with the applicant to work through the process. Contact Chris Henry at chenry@rockvillemd.gov or 240-314-8603 with questions.

Note: At the time of the next submittal, the applicant will need to provide a point-by-point response letter noting how the staff review comments have been addressed. Comments provided in letter format can be addressed letter format. Comments provided in the plans should be addressed via plan markups rather than letter format. See attached example.